

**STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT**

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
6/30/2022 3:29 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Naomi Jacquez

SCOTT PAVLAK,

Plaintiff,

v.

Case No. D-503-CV-2022-00421
Case assigned to Riley, Lisa B.

**CIRILO CASTANEDA and
BULLFROG LOGISTICS,
LLC.**

Defendants.

**PLAINTIFF'S COMPLAINT
FOR DAMAGES AND PERSONAL INJURY**

TO THE HONORABLE JUDGE OF SAID COURT:

Come now Plaintiff, Scott Pavlak, by and through his attorneys of record, Charles J. Ruhmann, IV, Paul G. Tellez, and the Ruhmann Law Firm, and file this complaint for damages complaining of and about Defendant **CIRILO CASTANEDA** and Defendant **BULLFROG LOGISTICS, LLC**. In support thereof, Plaintiff respectfully shows as follows.

PARTIES AND JURISDICTION

1. Plaintiff Scott Pavlak is a resident of Bell, Gilchrist County, in the State of Florida.
2. Defendant **CIRILO CASTANEDA** is an individual residing in El Paso, El Paso County, in the State of Texas.
3. Defendant **BULLFROG LOGISTICS, LLC** is a New Mexico For-Profit limited liability company, domestic and/or foreign corporation doing business in Eddy County, New Mexico and may be served with citation by serving its registered agent for service of process, Jeff McWhorter, 1510 W. Fairgrounds Rd., Artesia, New Mexico 88210, or wherever

Exhibit A

else he or any other agent for service of process for said company may be found.

4. This Court has jurisdiction of this cause of action and venue is proper because the incident occurred in Eddy County, New Mexico, and one or more Defendants named herein are resident(s) of Eddy County, New Mexico.

GENERAL ALLEGATIONS

5. The allegations of the preceding and succeeding paragraphs are incorporated herein and at full length by this reference.

6. On or about March 30, 2020, Plaintiff was operating his vehicle, a 2007 Peterbilt 379 commercial tractor-trailer in a reasonable and prudent manner in Carlsbad, Eddy County, New Mexico, exercising ordinary care for his safety and for the safety of others, heading eastbound on U.S. Highway 62/180 near milepost 61.

7. At the same time, Cirilo Castaneda was operating his vehicle, a 2006 Freightliner Columbia 120, southbound on a leased road near the intersection of U.S. Highway 62/180 when he failed to yield to oncoming traffic, drove into the intersection, causing Plaintiff to hit Defendant **CIRILO CASTANEDA**'s commercial tractor-trailer.

8. As a result of Defendant **CIRILO CASTANEDA**'s negligence and/or gross negligent conduct resulting in this collision, Plaintiff sustained substantial physical injuries and damages.

COUNT I. – NEGLIGENCE BY DEFENDANT CIRILO CASTANEDA

9. The allegations of the preceding and succeeding paragraphs are incorporated herein and at full length by reference.

10. At all times relevant to the allegations of this complaint, Defendant **CIRILO CASTANEDA** had a duty to act as reasonable and prudent operator of a commercial vehicle.

11. Defendant **CIRILO CASTANEDA** breached this duty and was thus negligent including, in at least the following respects:

- a. failing to keep a proper lookout;
- b. failing to slow the commercial tractor-trailer in order to avoid the collision;
- c. failing to exercise ordinary care for the safety of others;
- d. failing to keep the commercial tractor-trailer under proper control;
- e. failing to drive the commercial tractor-trailer at a speed that was reasonable and prudent for the traffic and other road conditions with which he was faced;
- f. failing to slow and/or stop the commercial tractor-trailer when danger to Plaintiff was imminent;
- g. failing to take proper evasive action;
- h. driving while fatigued, and/or beyond the established and allowable hours of service, and/or at a time when he was unfit and/or unqualified to drive a commercial tractor-trailer;
- i. failing to yield the right of way; and/or
- j. driver inattention.

12. Each of the above acts or omissions by Defendant **CIRILO CASTANEDA** was, taken singularly or cumulatively, a direct or proximate cause of the occurrence in question and the resulting injuries and damages sustained by Plaintiff.

13. Further, Defendant **BULLFROG LOGISTICS, LLC** is vicariously liable for the negligent acts and/or omissions of its employee, Defendant **CIRILO CASTANEDA**, via the doctrine of *respondeat superior* and/or other law.

COUNT II. – NEGLIGENCE PER SE AGAINST DEFENDANT CIRILO CASTANEDA

14. Plaintiff incorporates the above allegations as though fully restated herein.

15. Plaintiff pleads in the alternative and/or in conjunction with the prior allegations set forth in the preceding paragraphs that Defendant Alex Lopez operated the commercial tractor-trailer in direct violation of one or more ordinances and/or statutes, and/or regulations (including but not limited to the regulations of the Federal Motor Carrier Safety Administration (the “FMCSA”)) that were in effect at the time of the collision that gave rise to this Complaint herein. Upon information and belief, such violations included but were not limited to:

- a. failing to drive the commercial tractor-trailer at a speed that was reasonable and prudent for the traffic and other road conditions with which he was faced;
- b. driving while fatigued, and/or beyond the established and allowable hours of service, and/or at a time when he was unfit and/or unqualified to drive a commercial tractor-trailer;
- c. operating the tractor-trailer in a defective and/or dangerous condition, and/or failing to properly inspect the tractor-trailer;
- d. failing to yield the right of way; and/or
- e. other acts and/or omissions that constituted negligence *per se*.

16. Plaintiff is a member of the class of persons for whom such statutes and ordinances were designed to protect.

17. Each of the above acts and/or omissions by Defendant **CIRILO CASTANEDA** was, taken singularly or cumulatively, a direct proximate cause of the occurrence in question

and in the resulting injuries and damages sustained by Plaintiff.

18. Further, Defendant **BULLFROG LOGISTICS, LLC** is vicariously liable for the negligent acts and/or omissions of its employee, Defendant **CIRILO CASTANEDA**, via the doctrine of *respondeat superior* and/or other laws.

COUNT III. – NEGLIGENCE AGAINST DEFENDANT BULLFROG LOGISTICS, LLC

19. Plaintiff incorporates the above allegations as though fully restated herein.

20. Defendant **BULLFROG LOGISTICS, LLC** was negligent in at least the following respects:

- a. vicariously, through the doctrine of respondeat superior and/or other law, and by and through the negligent acts and/or omissions of its employee, Defendant **CIRILO CASTANEDA**;
- b. by permitting, encouraging, and/or requiring Defendant **CIRILO CASTANEDA** to operate a large commercial truck despite that he was unfit and/or unqualified to do so;
- c. by failing to properly maintain and/or inspect the tractor-trailer;
- d. by permitting, encouraging, and/or requiring Defendant **CIRILO CASTANEDA** to operate the tractor-trailer in a defective or unsafe condition;
- e. by negligently entrusting the tractor-trailer to Defendant **CIRILO CASTANEDA** despite having knowledge that he was unfit and/or unqualified to operate it;
- f. by negligently training and/or supervising Defendant **CIRILO CASTANEDA** as the operator of a large commercial truck;
- g. by negligently hiring and/or retaining Defendant **CIRILO CASTANEDA** as a commercial driver and employee despite having knowledge and/or readily available knowledge that Defendant **CIRILO CASTANEDA** was not fit and/or qualified to operate a large commercial vehicle; and/or
- h. other negligent acts and/or omissions.

21. Each of the above acts or omissions by Defendant **BULLFROG LOGISTICS, LLC** was, taken singularly or cumulatively, a direct or proximate cause of the occurrence in question and the resulting injuries and damages sustained by Plaintiff.

22. Further, Defendant **BULLFROG LOGISTICS, LLC** is vicariously liable for the negligent acts or omissions of its employee, Defendant **CIRILO CASTANEDA**, via the doctrine of *respondeat superior* and/or other law.

PLAINTIFF'S DAMAGES

23. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff incurred the following damages:

- a. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services where they were incurred;
- b. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering in the future;
- e. Physical impairment and disfigurement in the past;
- f. Physical impairment and disfigurement which in all reasonable probability, will be suffered and continued in the future; and/or
- g. Property damage and loss of use.

By reason of all of the above, Plaintiff suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought.

24. The amount of Plaintiff's damages has not been ascertained and should be the

subject of proof at trial and/or determined by the jury.

SIX PERSON JURY DEMAND

25. Plaintiff hereby demands a jury of six persons and tenders the requisite fee in accordance with this demand.

PRAYER FOR RELIEF

Plaintiff prays that Defendant be cited to appear and answer herein, and that upon final hearing of this cause, Plaintiff has judgment against the Defendant for damages in an amount within the jurisdictional limits of the Court; together with prejudgment interest at the legal rate allowed by law; post-judgment interest at the legal rate, cost of court and such other and further relief to which Plaintiff may be justly entitled at law or in equity.

Respectfully submitted,

RUHMANN LAW FIRM
5915 Silver Springs, Bldg.
1 El Paso, Texas 79912
(915) 845-4529
(915) 845-4534 Fax

BY:

/s/ Charles J. Ruhmann, IV
CHARLES J. RUHMANN, IV
cruhmann@ruhmannlaw.com
PAUL G. TELLEZ
ptellez@ruhmannlaw.com

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
7/1/2022 1:39 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Emilee I Gonzalez

STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

SCOTT PAVLAK,

Plaintiff,

v.

Case No. D-503-CV-2022-00421

CIRILO CASTANEDA and
BULLFROG LOGISTICS,
LLC.

Defendants.

PLAINTIFF'S SIX PERSON JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff hereby demands a jury of six persons, and tender the requisite fee in accordance with this demand.

Respectfully Submitted,

RUHMANN LAW FIRM
5915 Silver Springs, Bldg. 1
El Paso, Texas 79912
(915) 845-4529
(915) 845-4534 Fax

BY: /s/ Charles J. Ruhmann, IV
CHARLES J. RUHMANN, IV
cruhmann@ruhmannlaw.com
PAUL G. TELLEZ
ptellez@ruhmannlaw.com
Attorneys for Plaintiff

Exhibit B

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
7/1/2022 1:39 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Emilee I Gonzalez

**STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT**

SCOTT PAVLAK,

Plaintiff,

v.

Case No. D-503-CV-2022-00421

**CIRILO CASTANEDA and
BULLFROG LOGISTICS,
LLC.**

Defendants.

COURT ANNEXED ARBITRATION CERTIFICATION

Plaintiff, by through his undersigned counsel, pursuant to Third Judicial District Local Rule, Rule LR3-706B, certify as follows:

[] This party seeks only a money judgment and the amount sought does not exceed twenty-five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, cost and attorney fees.

[X] This party seeks relief other than a money judgment and/ or seeks relief in excess of twenty-five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney fees.

Respectfully Submitted,

RUHMANN LAW FIRM
5915 Silver Springs, Bldg. 1
El Paso, Texas 79912
(915) 845-4529
(915) 845-4534 Fax

/s/ Charles J. Ruhmann, IV
CHARLES J. RUHMANN, IV
cruhmann@ruhmannlaw.com
PAUL G. TELLEZ
ptellez@ruhmannlaw.com
Attorneys for Plaintiff

SUMMONS

5th JUDICIAL DISTRICT COURT
 Eddy County
 9/8/2022 2:56 PM
 MARTHA HUEREQUE
 CLERK OF THE COURT
 Martha Huereque

District Court: FIFTH JUDICIAL Eddy County, New Mexico Carlsbad, New Mexico 88220 Court Telephone No.: 575-885-4740	Case Number: D-503-CV-2022-00421 Assigned Judge: Lisa B. Riley
Plaintiff(s): Scott Pavlak v. Defendant(s): Cirilo Castaneda and Bullfrog Logistics, LLC	Defendant: Bullfrog Logistics, LLC by serving its agent of process: Name: Jeff McWhorter Address: 1510 W. Fairgrounds Rd., Artesia, New Mexico 88210 or wherever else he or any other agent of service of process for said company may be found.

TO THE ABOVE-NAMED DEFENDANT(S): Take notice that

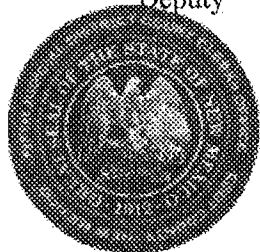
1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Carlsbad, New Mexico, this 5 day of July, 2022.

Martha Huereque

CLERK OF DISTRICT COURT

Martha Huereque
 Deputy



/s/ Charles J. Ruhmann, IV

Signature of Attorney for Plaintiff

Name: CHARLES J. RUHMANN, IV

Address: 5915 Silver Springs, Bldg. 1

Telephone No.: (915) 845-4529

Fax No.: (915) 845-4534

Email Address: cruhmann@ruhmannlaw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
 RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

STATE OF NEW MEXICO)

)

COUNTY OF EDDY)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Bernalillo county on the 22 day of August 2022 by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☒ to Sony Park (Wife) person over fifteen (15) years of age and residing at the usual place of abode of defendant Jeff McWhorter (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

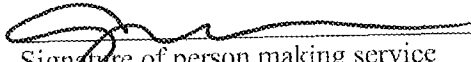
☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).

☐ to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

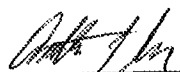


Signature of person making service

Server

Title (if any)

Subscribed and sworn to before me this 29th day of August, 2022



Judge, notary or other officer
authorized to administer oaths

Notary

Official title

STATE OF NEW MEXICO
NOTARY PUBLIC
Arthur L. Silva
Commission No. 1057457
March 17, 2026

STATE OF NEW MEXICO
NOTARY PUBLIC
Arthur L. Silva
Commission No. 1057457
March 17, 2026

FILED

5th JUDICIAL DISTRICT COURT

Eddy County

9/8/2022 2:56 PM

MARtha HUEREQUE

CLERK OF THE COURT

Martha Huereque

SUMMONS

District Court: FIFTH JUDICIAL Eddy County, New Mexico Carlsbad, New Mexico 88220 Court Telephone No.: 575-885-4740	Case Number: D-503-CV-2022-00421 Assigned Judge: Lisa B. Riley
Plaintiff(s): Scott Pavlak v. Defendant(s): Cirilo Castaneda and Bullfrog Logistics, LLC	Defendant: CIRILO CASTANEDA Address: 505 Paseo De Fe Cir, El Paso, Texas 79928 or wherever else he may be found.

TO THE ABOVE-NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Carlsbad, New Mexico, this 5 day of July, 2022.

Martha Huereque

CLERK OF DISTRICT COURT

By Martha Huereque
Deputy



/s/ Charles J. Ruhmann, 30

Signature of Attorney for Plaintiff

Name: CHARLES J. RUHMANN, IV

Address: 5915 Silver Springs, Bldg. 1

Telephone No.: (915) 845-4529

Fax No.: (915) 845-4534

Email Address: cruhmann@ruhmannlaw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

[] to _____ (name of person), _____,
(title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: 55

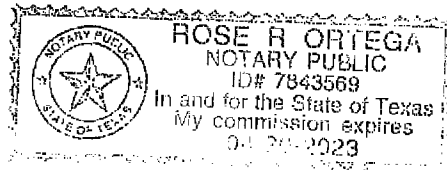
[Signature]
Signature of person making service

Process Server
Title (if any)

Subscribed and sworn to before me this 25 day of August 2022

[Signature]
Judge, notary or other officer
authorized to administer oaths

Notary
Official title



STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
9/28/2022 9:37 AM
MARTHA HUEREQUE
CLERK OF THE COURT
Renee Lopez

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

CIRILO CASTENADA and
BULLFROG LOGISTICS, LLC,

Defendants.

ENTRY OF APPEARANCE

Rodey, Dickason, Sloan, Akin & Robb, P.A. (Seth L. Sparks and Lauren T. Kedge) enters its appearance on behalf of Defendants Cirilo Castenada and Bullfrog Logistics, LLC in connection with the above-captioned matter.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By "Electronically Filed" /s/ Lauren T. Kedge

Seth L. Sparks

Lauren T. Kedge

Post Office Box 1888

Albuquerque, New Mexico 87103-1888

Telephone: 505-765-5900

Facsimile: 505-768-7395

ssparks@rodev.com

lkedge@rodev.com

*Attorneys for Defendants Cirilo Castenada and Bullfrog
Logistics, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th of September, 2022, I filed the foregoing electronically which caused all counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By *“Electronically Filed” /s/ Lauren T.Kedge*
Lauren T. Kedge

STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
10/11/2022 2:36 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Jessica Minner

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,

Defendants.

**DEFENDANT CIRILO CASTANEDA'S ANSWER TO PLAINTIFF'S COMPLAINT
FOR DAMAGES AND PERSONAL INJURY**

Defendant Cirilo Castaneda ("Defendant Castaneda"), by and through his counsel of record, Rodey, Dickason, Sloan, Akin & Robb, P.A. (Seth L. Sparks and Lauren T. Kedge) for his answer to Plaintiff's Complaint for Damages and Personal ("Complaint"), states as follows:

PARTIES AND JURISDICTION

1. Defendant Castaneda is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Complaint.
2. Defendant Castaneda is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of the Complaint.
3. The allegations in Paragraph 3 of the Complaint are not directed to Defendant Castaneda and therefore, he makes no response to those allegations. To the extent that any of the allegations in Paragraph 3 are alleged to support a cause of action against Defendant Castaneda, he is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Complaint.

4. Defendant Castaneda admits that the incident occurred in Eddy County, New Mexico. The remainder of Paragraph 4 of the Complaint states legal conclusions to which no response is required. To the extent a response is required, Defendant Castaneda is without sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 4 of the Complaint.

GENERAL ALLEGATIONS

5. Defendant Castaneda restates and incorporates by reference his responses to all the above paragraphs of the Complaint as if they were fully set forth herein.

6. Defendant Castaneda is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 of the Complaint and thus, denies the same.

7. Defendant Castaneda denies the allegations contained in Paragraph 7 of the Complaint.

8. Defendant Castaneda denies the allegations contained in Paragraph 8 of the Complaint.

COUNT I. – NEGLIGENCE BY DEFENDANT CIRILO CASTANEDA

9. Defendant Castaneda restates and incorporates by reference his responses to all the above paragraphs of the Complaint as if they were fully set forth herein.

10. Defendant Castaneda admits that all operators of motor vehicles owe a duty to use ordinary care in the operation of their motor vehicle. Defendant Castaneda denies any remaining allegations contained in Paragraph 10 of the Complaint.

11. Defendant Castaneda denies the allegations contained in Paragraph 11 and its subparagraphs (a) through (j) of the Complaint.

12. Defendant Castaneda denies the allegations contained in Paragraph 12 of the Complaint.

13. The allegations in Paragraph 13 of the Complaint are not directed to Defendant Castaneda and therefore, he makes no response to those allegations. To the extent that any of the allegations in Paragraph 13 are alleged to support a cause of action against Defendant Castaneda, he expressly denies any negligence.

COUNT II. – NEGLIGENCE PER SE AGAINST DEFENDANT CIRILO CASTANEDA

14. Defendant Castaneda restates and incorporates by reference his responses to all the above paragraphs of the Complaint as if they were fully set forth herein.

15. Defendant Castaneda affirmatively states that he is unaware of a “Defendant Alex Lopez” as identified in Paragraph 15 of the Complaint. To the extent that any of the allegations in Paragraph 15 and its subparts (a) through (e) of the Complaint are alleged to support a cause of action against Defendant Castaneda, those allegations are denied.

16. Defendant Castaneda is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 16 of the Complaint and thus, denies the same.

17. Defendant Castaneda denies the allegations contained in Paragraph 17 of the Complaint.

18. The allegations in Paragraph 18 of the Complaint are not directed to Defendant Castaneda and therefore, he makes no response to those allegations. To the extent that any of the allegations in Paragraph 18 are alleged to support a cause of action against Defendant Castaneda, he expressly denies any negligence.

COUNT III. – NEGLIGENCE AGAINST DEFENDANT BULLFROG LOGISTICS, LLC

19. Defendant Castaneda restates and incorporates by reference his responses to all the above paragraphs of the Complaint as if they were fully set forth herein.

20. The allegations in Paragraph 20 and its subparagraphs (a) through (h) of the Complaint are not directed to Defendant Castaneda and therefore, he makes no response to those allegations. To the extent that any of the allegations in Paragraph 20 and its subparagraphs are alleged to support a cause of action against Defendant Castaneda, he expressly denies any negligence.

21. The allegations in Paragraph 21 of the Complaint are not directed to Defendant Castaneda and therefore, he makes no response to those allegations. To the extent that any of the allegations in Paragraph 21 are alleged to support a cause of action against Defendant Castaneda, he expressly denies any negligence.

22. The allegations in Paragraph 22 of the Complaint are not directed to Defendant Castaneda and therefore, he makes no response to those allegations. To the extent that any of the allegations in Paragraph 22 are alleged to support a cause of action against Defendant Castaneda, he expressly denies any negligence.

PLAINTIFF'S DAMAGES

23. Defendant Castaneda denies the allegations contained in Paragraph 23 and its subparagraphs (a) through (g) of the Complaint.

24. Defendant Castaneda is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 24 of the Complaint and thus, denies the same.

PLAINTIFF'S "PRAYER FOR RELIEF"

Defendant Castaneda denies that Plaintiff is entitled to any of the damages sought.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The sole, proximate cause of the alleged injuries and damages complained of in the Complaint was the act or acts of Plaintiff and/or a third party or parties for which Defendant Castaneda is in no way liable or responsible.

SECOND DEFENSE

If Defendant Castaneda was negligent or liable, which is specifically denied, then his negligence or liability should be compared to the negligence or liability of Plaintiff, and of individuals and entities other than Defendant Bullfrog, and any recovery against Defendant Castaneda reduced accordingly.

THIRD DEFENSE

Plaintiff's alleged damages, if any, were the proximate result of an independent, intervening or superseding cause, thereby barring recovery against Defendant Castaneda.

FOURTH DEFENSE

Any injuries or expenses sustained or incurred by Plaintiff were proximately caused in whole or in part by the conduct of, superseding or independent, intervening actions of, or one or more persons or entities other than Defendant Castaneda, for whose conduct Defendant Castaneda is not responsible.

FIFTH DEFENSE

To the extent the evidence shows that Plaintiff failed to mitigate, his claims should be reduced accordingly.

SIXTH DEFENSE

Defendant Castaneda does not knowingly nor intentionally waive any applicable defenses. Defendant Castaneda reserves the right to assert additional defenses that it may discover in the course of the proceedings of this matter and to which it may be entitled under the law, including case law, statutes and rules, of the jurisdictions whose law may be found to apply to the claims asserted.

SEVENTH DEFENSE

Plaintiff's claim for negligence per se is barred by the doctrine of excuse or justification in that Defendant Cirilo Castaneda did that which a reasonable person would have done who desired to comply with the law.

WHEREFORE, Defendant Castaneda respectfully requests that the Complaint against it be dismissed with prejudice, or, in the alternative, that it be awarded judgment in his favor with attorney's fees and costs.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By "Electronically Filed" /s/ Lauren T. Kedge

Seth L. Sparks

Lauren T. Kedge

Post Office Box 1888

Albuquerque, New Mexico 87103-1888

Telephone: 505-765-5900

Facsimile: 505-768-7395

ssparks@rodey.com

lkedge@rodey.com

*Attorneys for Defendants Cirilo Castaneda and Bullfrog
Logistics, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th of October, 2022, I filed the foregoing electronically which caused all counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By *“Electronically Filed” /s/ Lauren T.Kedge*
Lauren T. Kedge

STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
10/11/2022 2:36 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Jessica Minner

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,

Defendants.

**DEFENDANT BULLFROG LOGISTICS, LLC'S ANSWER TO PLAINTIFF'S
COMPLAINT FOR DAMAGES AND PERSONAL INJURY**

Defendant Bullfrog Logistics, LLC ("Defendant Bullfrog"), by and through its counsel of record, Rodey, Dickason, Sloan, Akin & Robb, P.A. (Seth L. Sparks and Lauren T. Kedge) for its answer to Plaintiff's Complaint for Damages and Personal ("Complaint"), states as follows:

PARTIES AND JURISDICTION

1. Defendant Bullfrog is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Complaint.
2. Defendant Bullfrog is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of the Complaint.
3. Defendant Bullfrog denies the allegations contained in Paragraph 3 of the Complaint.
4. Defendant Bullfrog admits that the incident occurred in Eddy County, New Mexico. The remainder of Paragraph 4 of the Complaint states legal conclusions to which no response is required. To the extent a response is required, Defendant Bullfrog is without

sufficient information or knowledge to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 4 of the Complaint.

GENERAL ALLEGATIONS

5. Defendant Bullfrog restates and incorporates by reference its responses to all the above paragraphs of the Complaint as if they were fully set forth herein.

6. Defendant Bullfrog is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 of the Complaint and thus, denies the same.

7. Defendant Bullfrog denies the allegations contained in Paragraph 7 of the Complaint.

8. Defendant Bullfrog denies the allegations contained in Paragraph 8 of the Complaint.

COUNT I. – NEGLIGENCE BY DEFENDANT CIRILO CASTANEDA

9. Defendant Bullfrog restates and incorporates by reference its responses to all the above paragraphs of the Complaint as if they were fully set forth herein.

10. The allegations in Paragraph 10 of the Complaint are not directed to Defendant Bullfrog and therefore, it makes no response to those allegations. To the extent that any of the allegations in Paragraph 10 are alleged to support a cause of action against Defendant Bullfrog, it admits that all operators of motor vehicles owe a duty to use ordinary care in the operation of their motor vehicle. Defendant Bullfrog denies any remaining allegations contained in Paragraph 10 of the Complaint.

11. The allegations in Paragraph 11 and its subparts (a) through (j) of the Complaint are not directed to Defendant Bullfrog and therefore, it makes no response to those allegations.

To the extent that any of the allegations in Paragraph 11 and its subparts (a) through (j) are alleged to support a cause of action against Defendant Bullfrog, it denies the allegations contained in Paragraph 11 and its subparagraphs.

12. The allegations in Paragraph 12 of the Complaint are not directed to Defendant Bullfrog and therefore, it makes no response to those allegations. To the extent that any of the allegations in Paragraph 12 are alleged to support a cause of action against Defendant Bullfrog, it denies the allegations contained in Paragraph 12.

13. Defendant Bullfrog denies the allegations contained in Paragraph 13 of the Complaint.

COUNT II. – NEGLIGENCE PER SE AGAINST DEFENDANT CIRILO CASTANEDA

14. Defendant Bullfrog restates and incorporates by reference its responses to all the above paragraphs of the Complaint as if they were fully set forth herein.

15. The allegations in Paragraph 15 and its subparts (a) through (e) of the Complaint are not directed to Defendant Bullfrog and therefore, it makes no response to those allegations. To the extent that any of the allegations in Paragraph 15 and its subparts are alleged to support a cause of action against Defendant Bullfrog, it affirmatively states that it is unaware of a “Defendant Alex Lopez” and denies the allegations contained in Paragraph 15 and its subparagraphs.

16. Defendant Bullfrog is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 16 of the Complaint and thus, denies the same.

17. The allegations in Paragraph 17 of the Complaint are not directed to Defendant Bullfrog and therefore, it makes no response to those allegations. To the extent that any of the

allegations in Paragraph 17 are alleged to support a cause of action against Defendant Bullfrog, it denies the allegations contained in Paragraph 17.

18. Defendant Bullfrog denies the allegations contained in Paragraph 18 of the Complaint.

COUNT III. – NEGLIGENCE AGAINST DEFENDANT BULLFROG LOGISTICS, LLC

19. Defendant Bullfrog restates and incorporates by reference its responses to all the above paragraphs of the Complaint as if they were fully set forth herein.

20. Defendant Bullfrog denies the allegations contained in Paragraph 20 and its subparagraphs (a) through (h) of the Complaint.

21. Defendant Bullfrog denies the allegations contained in Paragraph 21 of the Complaint.

22. Defendant Bullfrog denies the allegations contained in Paragraph 22 of the Complaint.

PLAINTIFF'S DAMAGES

23. Defendant Bullfrog denies the allegations contained in Paragraph 23 and its subparagraphs (a) through (g) of the Complaint.

24. Defendant Bullfrog is without sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in Paragraph 24 of the Complaint and thus, denies the same.

PLAINTIFF'S "PRAYER FOR RELIEF"

Defendant Bullfrog denies that Plaintiff is entitled to any of the damages sought.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The sole, proximate cause of the alleged injuries and damages complained of in the Complaint was the act or acts of Plaintiff and/or a third party or parties for which Defendant Bullfrog is in no way liable or responsible.

SECOND DEFENSE

If Defendant Bullfrog was negligent or liable, which is specifically denied, then its negligence or liability should be compared to the negligence or liability of Plaintiff, and of individuals and entities other than Defendant Bullfrog, and any recovery against Defendant Bullfrog reduced accordingly.

THIRD DEFENSE

Plaintiff's alleged damages, if any, were the proximate result of an independent, intervening or superseding cause, thereby barring recovery against Defendant Bullfrog.

FOURTH DEFENSE

Any injuries or expenses sustained or incurred by Plaintiff were proximately caused in whole or in part by the conduct of, superseding or independent, intervening actions of, or one or more persons or entities other than Defendant Bullfrog, for whose conduct Defendant Bullfrog is not responsible.

FIFTH DEFENSE

To the extent the evidence shows that Plaintiff failed to mitigate, its claims should be reduced accordingly.

SIXTH DEFENSE

Defendant Bullfrog does not knowingly nor intentionally waive any applicable defenses. Defendant Bullfrog reserves the right to assert additional defenses that it may discover in the course of the proceedings of this matter and to which it may be entitled under the law, including case law, statutes and rules, of the jurisdictions whose law may be found to apply to the claims asserted.

SEVENTH DEFENSE

Plaintiff's claim for negligence per se is barred by the doctrine of excuse or justification in that Defendant Cirilo Castaneda did that which a reasonable person would have done who desired to comply with the law.

WHEREFORE, Defendant Bullfrog respectfully requests that the Complaint against it be dismissed with prejudice, or, in the alternative, that it be awarded judgment in its favor with attorney's fees and costs.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By "Electronically Filed" /s/ Lauren T. Kedge

Seth L. Sparks

Lauren T. Kedge

Post Office Box 1888

Albuquerque, New Mexico 87103-1888

Telephone: 505-765-5900

Facsimile: 505-768-7395

ssparks@rodey.com

lkedge@rodey.com

*Attorneys for Defendants Cirilo Castaneda and Bullfrog
Logistics, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th of October, 2022, I filed the foregoing electronically which caused all counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By *“Electronically Filed” /s/ Lauren T.Kedge*
Lauren T. Kedge

STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
10/11/2022 2:36 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Jessica Minner

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,

Defendants.

DEMAND FOR TRIAL BY JURY

Please take notice that Defendants Cirilo Castaneda and Bullfrog Logistics, LLC demand a trial by a jury of twelve persons in the above cause, and make a deposit of \$150.00. A \$150.00 jury fee was previously deposited by Plaintiff with a Jury Demand.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By "Electronically Filed" /s/ Lauren T. Kedge

Seth L. Sparks

Lauren T. Kedge

Post Office Box 1888

Albuquerque, New Mexico 87103-1888

Telephone: 505-765-5900

Facsimile: 505-768-7395

ssparks@rodey.com

lkedge@rodey.com

*Attorneys for Defendants Cirilo Castaneda and Bullfrog
Logistics, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th of October, 2022, I filed the foregoing electronically which caused all counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By *“Electronically Filed” /s/ Lauren T.Kedge*
Lauren T. Kedge

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
10/24/2022 3:55 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Naomi Jacquez

**STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT**

SCOTT PAVLAK,

Plaintiff,

v.

Case No. D-503-CV-2022-00421

**CIRILO CASTANEDA and
BULLFROG LOGISTICS,
LLC.**

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2022, a copy of: (1) Plaintiff's First Request for Admissions to Each Defendant; (2) Plaintiff's First Interrogatories to Defendant Cirilo Castaneda; (3) Plaintiff's Request for Production to Defendant Cirilo Castaneda; (4) Plaintiff's First Interrogatories to Defendant Bullfrog Logistics, LLC; and (5) Plaintiff's Request for Production to Defendant Bullfrog Logistics, LLC, along with a copy of this Certificate, were sent via electronic mail to Seth L. Sparks@ ssparks@rodey.com and Lauren T. Kedge @ lkedge@rodey.com, RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A., P.O. Box 1888, Albuquerque, New Mexico 87103-1888.

Respectfully submitted,

RUHMANN LAW FIRM
5915 Silver Springs, Bldg. 1
El Paso, Texas 79912
(915) 845-4529
(915) 845-4534 Fax

/s/ Charles J. Ruhmann, IV
CHARLES J. RUHMANN, IV
cruhmann@ruhmannlaw.com

STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
11/23/2022 3:27 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Martha Huereque

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,

Defendants.

CERTIFICATE OF SERVICE

Defendant Cirilo Castaneda, by and through its attorneys, Rodey, Dickason, Sloan, Akin & Robb, PA (Seth L. Sparks and Lauren T. Winston), hereby certify that on November 23, 2022, a true and correct copy of *Defendant Cirilo Castaneda's First Set of Interrogatories, First Requests for Production of Documents and First Request for Admissions to Plaintiff Scott Pavlak*, along with a *Certificate of Service* regarding same, were served by electronic transmission to all counsel of record through the Court's Odyssey "File & Serve" system.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By



Seth L. Sparks
Lauren T. Winston
P.O. Box 1888
Albuquerque, NM 87103
(505) 765-5900
ssparks@rodey.com;
lwinston@rodey.com
*Attorneys for Defendants Bullfrog Logistics, LLC
and Cirilo Castaneda*

FILED

12/9/2022 8:41:33 AM

Fifth Judicial District Court

Eddy County, NM

COPY

STATE OF NEW MEXICO
EDDY COUNTY
FIFTH JUDICIAL DISTRICT COURT

SCOTT PAVLAK

V.

BULLFROG LOGISTICS, LLC, ET. AL.

No. D-503-CV-2022-00421

NOTICE OF JUDGE REASSIGNMENT

The above referenced case has been reassigned to the Honorable AnneMarie C Lewis, District Judge, Fifth Judicial District. This reassignment is effective 12/9/2022.

MARTHA HUEREQUE
CLERK OF THE DISTRICT COURT

By:

Martha Huereque

MARTHA HUEREQUE
EDDY COUNTY DISTRICT COURT

MGR

CERTIFICATE OF SERVICE

I, the undersigned Employee of the District Court of Eddy County, New Mexico, do hereby certify that I served a copy of this document to all parties listed below on 12/9/2022.

Charles J Ruhmann, Iv

5915 Silver Springs

Bldg 2

El Paso Tx 79912

Seth L. Sparks

Po Box 1888

Albuquerque Nm 87103-1888

Lauren Taylor Kedge

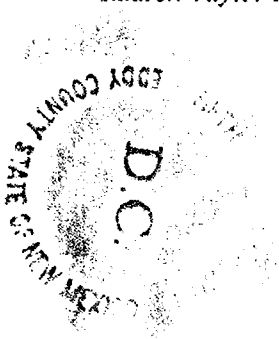
Rodey Dickason Sloan Akin & Robb Pa

201 Third Street Nw Suite 2200

Albuquerque Nm 87102

By:

Martha Huereque



STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
12/12/2022 4:39 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Renee Lopez

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,

Defendants.

CERTIFICATE OF SERVICE

IT IS HEREBY certified that on the 12th day of December, 2022, counsel for Defendants
e-mailed

1. Defendant Cirilo Castaneda's Answers to Plaintiff's First Interrogatories;
2. Defendant Cirilo Castaneda's Responses to Plaintiff's First Request for Production;
3. Defendant Cirilo Castaneda's Responses to Plaintiff's First Request for Admissions;
4. Defendant Bullfrog Logistics, LLC's Answers to Plaintiff's First Interrogatories;
5. Defendant Bullfrog Logistics, LLC's Responses to Plaintiff's First Request for Production;
6. Defendant Bullfrog Logistics, LLC's Responses to Plaintiff's First Request for Admissions; and
7. Bates numbered documents Bullfrog-Castaneda 00001-00228,

to Plaintiff's counsel and served by electronic means a copy of this Certificate of Service by virtue
of the Court's electronic filing system to:

Charles J. Ruhmann, IV
cruhmann@ruhmannlaw.com

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By "Electronically Filed" /s/ Lauren T. Winston

Seth L. Sparks

Lauren T. Winston

Post Office Box 1888

Albuquerque, New Mexico 87103-1888

Telephone: 505-765-5900

Facsimile: 505-768-7395

ssparks@rodey.com

lwinston@rodey.com

*Attorneys for Defendants Cirilo Castaneda and Bullfrog
Logistics, LLC*

STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
12/19/2022 4:42 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Jessica Minner

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,

Defendants.

CERTIFICATE OF SERVICE

IT IS HEREBY certified that on the 19th day of December, 2022, counsel for Defendant Cirilo Castaneda e-mailed:

1. Defendant Cirilo Castaneda's First Supplemental Answers to Plaintiff's First Interrogatories;
 2. Bates numbered documents Bullfrog-Castaneda 00229-00231,
- to Plaintiff's counsel and served by electronic means a copy of this Certificate of Service by virtue of the Court's electronic filing system to:

Charles J. Ruhmann, IV
cruhmann@ruhmannlaw.com

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By "Electronically Filed" /s/ Lauren T. Winston

Seth L. Sparks

Lauren T. Winston

Post Office Box 1888

Albuquerque, New Mexico 87103-1888

Telephone: 505-765-5900

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ssparks@rodey.com

lwinston@rodey.com

*Attorneys for Defendants Cirilo Castaneda and Bullfrog
Logistics, LLC*

STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
12/19/2022 4:58 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Naomi Jacquez

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,

Defendants.

CERTIFICATE OF SERVICE

IT IS HEREBY certified that on the 19th day of December, 2022, counsel for Defendant Cirilo Castaneda e-mailed:

1. Defendant Cirilo Castaneda's First Supplemental Responses to Requests for Production of Documents;
 2. Bates numbered documents Bullfrog-Castaneda 00229-00231,
- to Plaintiff's counsel and served by electronic means a copy of this Certificate of Service by virtue of the Court's electronic filing system to:

Charles J. Ruhmann, IV
cruhmann@ruhmannlaw.com

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By "Electronically Filed" /s/ Lauren T. Winston

Seth L. Sparks

Lauren T. Winston

Post Office Box 1888

Albuquerque, New Mexico 87103-1888

Telephone: 505-765-5900

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ssparks@rodey.com

lwinston@rodey.com

*Attorneys for Defendants Cirilo Castaneda and Bullfrog
Logistics, LLC*

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
1/13/2023 2:54 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Naomi Jacquez

**STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT**

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

**CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,**

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2023, a copy of: Plaintiff SCOTT PAVLAK'S Answers/Responses/Objections to Defendant CIRILO CASTANEDA'S First Set of Interrogatories, Request for Production of Documents, and Request for Admissions, along with a copy of this Certificate, were sent via electronic mail to Seth L. Sparks @ ssparks@rodey.com and Lauren T. Winston: lwinston@rodey.com, Rodey, Dickason, Sloan, Akin & Robb, P.A., P.O. Box 1888, Albuquerque, NM 87103.

Respectfully submitted,

RUHMANN LAW FIRM
5915 Silver Springs, Bldg. 1
El Paso, Texas 79912
(915) 845-4529
(915) 845-4534 Fax

/s/ Charles J. Ruhmann, IV
CHARLES J. RUHMANN, IV
cruhmann@ruhmannlaw.com

FILED
5th JUDICIAL DISTRICT COURT
Eddy County
1/27/2023 2:38 PM
MARTHA HUEREQUE
CLERK OF THE COURT
Naomi Jacquez

**STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT**

SCOTT PAVLAK,

Plaintiff,

v.

Case No. D-503-CV-2022-00421

**CIRILO CASTANEDA and
BULLFROG LOGISTICS,
LLC.**

Defendants.

REQUEST FOR HEARING

1. Assigned Judge: Honorable Lisa B. Riley
2. Type of Case: Complaint for Damages and Personal Injuries
3. Jury: X Non-Jury _____
4. Dates of hearings presently set: None
5. Specific matter(s) to be heard upon this request: Hearing to establish a trial date/jury trial scheduling order/discovery plan
6. Estimated total time required: 15 minutes
7. Attach separate sheet(s) listing name, firm, capacity, address, and telephone number of all parties entitled to notice.

SUBMITTED BY:

Respectfully submitted,

RUHMANN LAW FIRM
5915 Silver Springs, Bldg. 1
El Paso, Texas 79912
(915) 845-4529
(915) 845-4534 Fax

/s/ Charles J. Ruhmann, IV
CHARLES J. RUHMANN, IV
cruhmann@ruhmannlaw.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 27th day of January 2023, forwarded a copy of the foregoing instrument via electronic filing to:

VIA E-SERVICE:

Seth L. Sparks@ ssparks@rodey.com
Lauren T. Kedge @ lkedge@rodey.com
RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.
P.O. Box 1888
Albuquerque, New Mexico 87103-1888
Attorney for Defendants

/s/ Charles J. Ruhmann, IV
CHARLES J. RUHMANN, IV

Parties entitled to notice:

Seth L. Sparks
Lauren T. Kedge
RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.
P.O. Box 1888
Albuquerque, New Mexico 87103-1888
ssparks@rodey.com
lkedge@rodey.com
Attorneys for Defendants

RUHMANN LAW FIRM
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Paul G. Tellez
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El Paso, Texas 79912
(915) 845-4529
(915) 845-4534 Facsimile
cruhmann@ruhmannlaw.com
ptellez@ruhmannlaw.com
Attorneys for Plaintiff

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Location : All Courts Images

REGISTER OF ACTIONS

CASE NO. D-503-CV-2022-00421

Scott Pavlak v. Bullfrog Logistics, LLC, et. al.

§
§
§
§
§
§

Case Type: **Tort Auto**
 Date Filed: **06/30/2022**
 Location:
 Judicial Officer: **Lewis, AnneMarie C**

PARTY INFORMATION

Defendant	Bullfrog Logistics, LLC	Attorneys Lauren Taylor Kedge <i>Retained</i> 505-768-7325(W) Seth L. Sparks <i>Retained</i> 505-768-7291(W)
Defendant	Castaneda, Cirilo	Lauren Taylor Kedge <i>Retained</i> 505-768-7325(W) Seth L. Sparks <i>Retained</i> 505-768-7291(W)
Plaintiff	Pavlak, Scott	Charles J Ruhmann, IV <i>Retained</i> 915-845-4529(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS		
06/30/2022	Cause Of Actions	Tort: Personal Injury Auto
	Action Type	Action
06/30/2022	<u>OPN: COMPLAINT</u> <i>for Damages and Personal Injury</i>	
07/01/2022	<u>JURY DEMAND 6 PERSON</u>	
07/01/2022	<u>CERTIFICATE</u> <i>Court Annexed Arbitration Certification</i>	
07/05/2022	Summons	
	Bullfrog Logistics, LLC	Served 08/22/2022 Response Due 09/21/2022 Returned 09/08/2022
	Castaneda, Cirilo	Served 08/24/2022 Response Due 09/23/2022 Returned 09/08/2022
09/08/2022	<u>SUMMONS RETURN</u> <i>Served Sony Park (Wife) for Defendant Jeff McWhorter(Bullfrog Logistics, LLC) 08/22/22</i>	
09/08/2022	<u>SUMMONS RETURN</u> <i>Served Auerra Castaneda for Defendant Cirilo Castaneda 08/24/22 also mailed</i>	
09/28/2022	<u>ENTRY OF APPEARANCE</u> <i>Entry of Appearance</i>	
10/11/2022	<u>ANSWER</u> <i>Defendant Cirilo Castaneda's Answer to Plaintiff's Complaint for Damages and Personal Injury</i>	
10/11/2022	<u>ANSWER</u> <i>Defendant Bullfrog Logistics, LLC's Answer to Plaintiff's Complaint for Damages and Personal Injury</i>	
10/11/2022	<u>Jury Additional 6 / Total 12 (EF) \$150</u> <i>Demand for Trial by Jury</i>	
10/24/2022	<u>CERTIFICATE OF SERVICE</u> <i>Certificate of Service - Discovery sent 10-24-22</i>	
11/23/2022	<u>CERTIFICATE OF SERVICE</u> <i>Defendant Cirilo Castaneda's First Set of Interrogatories, Requests for Production of Documents and Requests for Admissions to Plaintiff - documents served by electronic transmission 11/23/22</i>	
12/09/2022	<u>JDG: NOTICE OF JUDGE ASSIGNMENT</u> (Judicial Officer: Lewis, AnneMarie C)	
12/12/2022	<u>CERTIFICATE OF SERVICE</u> <i>Certificate of Service re Defts Answers to PI 1st IGS-RFA-RFP</i>	
12/19/2022	<u>CERTIFICATE OF SERVICE</u> <i>Defendant Cirilo Castaneda's First Supplemental Answers to Plaintiff's First Set of Interrogatories</i>	
12/19/2022	<u>CERTIFICATE OF SERVICE</u> <i>Def Cirilo Castaneda's First Supplemental Responses to Plaintiff's First Requests for Production</i>	

01/13/2023 [CERTIFICATE OF SERVICE](#)
Discovery Responses sent 1-13-23
01/27/2023 [REQUEST FOR HEARING/ SETTING](#)

FINANCIAL INFORMATION

Defendant Bullfrog Logistics, LLC				
	Total Financial Assessment			150.00
	Total Payments and Credits			150.00
	Balance Due as of 02/10/2023			0.00
10/11/2022	Transaction Assessment			150.00
10/11/2022	File & Serve Payment	Receipt # CARD-2022-3037	Bullfrog Logistics, LLC	(150.00)
Plaintiff Pavlak, Scott				
	Total Financial Assessment			282.00
	Total Payments and Credits			282.00
	Balance Due as of 02/10/2023			0.00
07/01/2022	Transaction Assessment			132.00
07/01/2022	File & Serve Payment	Receipt # CARD-2022-1926	Pavlak, Scott	(132.00)
07/01/2022	Transaction Assessment			150.00
07/01/2022	File & Serve Payment	Receipt # CARD-2022-1938	Pavlak, Scott	(150.00)

**STATE OF NEW MEXICO
COUNTY OF EDDY
FIFTH JUDICIAL DISTRICT COURT**

SCOTT PAVLAK,

Plaintiff,

v.

No. D-503-CV-2022-00421

**CIRILO CASTANEDA and
BULLFROG LOGISTICS, LLC,**

Defendants.

**PLAINTIFF SCOTT PAVLAK'S ANSWERS/RESPONSES/OBJECTIONS TO
DEFENDANT CIRILO CASTANEDA'S FIRST SET OF INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS,
AND REQUESTS FOR ADMISSIONS**

TO: Defendant, **CIRILO CASTANEDA**, by and through his attorneys of record, Seth L. Sparks, Lauren T. Winston, Rodey, Dickason, Sloan, Akin & Robb, P.A., P. O. Box 1888, Albuquerque, NM 87103.

Pursuant to Rules 1-033 of the New Mexico Rules of Civil Procedure, Plaintiff **SCOTT PAVLAK**, by and through his attorneys of record, the Ruhmann Law Firm (Charles J. Ruhmann, IV and Paul J. Tellez), hereby submits his Answers/Responses/Objections to Defendant CIRILO CASTANEDA's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions

Exhibit C

REQUEST FOR ADMISSIONS

YOU ARE HEREBY REQUESTED to answer the following Requests for Admissions separately and fully in writing, under oath, based on facts or information available to you, your attorney or agents, pursuant to Rule 1-036 NMRA and other applicable New Mexico Rules of Civil Procedure, within thirty (30) days after the service hereof.

REQUEST NO. 1. Admit that the damages you seek in Plaintiff's Complaint for Personal Injuries exceed \$75,000.00.

ANSWER: Admit.